IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1855 of 2005

Between:

Mohammed Ameenuddin, s/o Mr.Zainuddin, Assistant,
Education Department, Secretariat, Hyderabad, resident of Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Secretary, Education Department, Secretariat,Hyderabad.
2 Deputy Secretary, Education Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction(s) essentially in the nature of writ of mandamus as under: a) call for the records relating to and connected with G.O.Rt.No.300, dated 16-06-2000 issued by the respondents herein and set aside the same as illegal, arbitrary, discriminatory, irrational and violative of Articles 14, 16, 21 and 311 of the Constitution of India; b) Consequently direct the respondents to retain and continue the writ petitioner in service as Assistant and retire him only on the basis of the opinion of the Medical board by referring the writ petitioner to a Medical Board to ascertain the real age and date of birth of the writ petitioner with all consequential and attendant benefits; Consequently, suspend operation of the order dated 04-11-2004, rendered by the A.P. Administrative Tribunal in O.A.No.6539 of 2000 and pass any such other orders or orders as this Hon'ble Court may deem fit, proper and necessary in the circumstances of the case and pass any such other orders or orders as this Hon'ble Court may deem fit, proper and necessary in the

circumstances of the case.

Counsel for the Petitioner: MR.P.V.SANJAY KUMAR

Counsel for the Respondents: GP FOR SERVICES I

The Court at the stage of admission made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6539 of 2000 dated 4.11.2004.

2. The petitioner entered into service as Chowkidar on 16.2.1976. While so, his date of birth was entered in his Service Register as 7.10.1942. It is the case of the petitioner that his actual date of birth is 15.8.1958 and the same has been reflected in his Matriculation Certificate and therefore the authorities ought to have entered his date of birth as 15.8.1958 instead of 7.10.1942 in his Service Register, but taking into consideration his date of birth as 7.10.1942, he was sought to be retired from service. The Tribunal, after hearing the matter, dismissed the OA on the ground that he could not made out the case. Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the date of birth of the petitioner as entered in the Service Register as 7.10.1942 is not borne out by any record. On the other hand the identity card and the Matriculation Certificate reflect his date of birth as 15.8.1958 and therefore the petitioner's case ought to have been accepted or else the petitioner ought to have been sent for medical examination to assess his approximate age.

4. We are unable to appreciate the contention raised by the learned counsel for the petitioner. The petitioner entered into service in 1976 and till he was issued with retirement order, he did not raise his little finger with regard to the discrepancy in his date of birth. Though his date of birth was entered in the Service Register as 7.10.1942, no objections were raised at any point of time. As far as the identity card and the Matriculation Certificate is concerned, it is to be noted that the petitioner passed Matriculation Certificate privately and therefore whatever the age he has furnished in his application, it was reflected in the Matriculation Certificate. Even the identity card was issued much after he passed Matriculation Certificate. Therefore, no credence will be given to the said identity card. The Tribunal quite rightly relied on the Judgment of the

Supreme Court in SLP (Civil) No.18332 of 1995 while dismissing the OA. We find no merits in the Writ Petition.

5. In the result, the Writ Petition is dismissed at the admission stage. No costs.

(G.BIKSHAPATHY, J.)

3rd March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Education Department, Government of Andhra Pradesh, Secretariat,Hyderabad.
2 Deputy Secretary, Education Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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